

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Hiroyuki ARIOKA Group Art Unit: 2653

Application No.: 09/886,105 Examiner: B. Vuong

Filed: June 22, 2001 Docket No.: 116546

For: OPTICAL RECORDING MEDIUM AND OPTICAL RECORDING METHOD

REQUEST FOR RECONSIDERATION

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In reply to the September 9, 2004 Office Action, reconsideration of the application is respectfully requested.

Claims 1-27 are pending in this application.

The Office Action rejects claims 1-8, 18 and 19 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8, 11 and 12 of U.S. Patent No. 6,754,166.

The Office Action indicates that this rejection may be overcome by a timely filed terminal disclaimer in compliance with 37 C.F.R. §1.321(c). Accordingly, Applicant submits the enclosed terminal disclaimer to obviate the rejection.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-27 are earnestly solicited.

Respectfully submitted,

James A. Oliff

Registration No. 27,075

Eliot R. Malamud

Registration No. 51,989

JAO:ERM/aaw

Date: December 6, 2004

OLIFF & BERRIDGE, PLC P.O. Box 19928 Alexandria, Virginia 22320 Telephone: (703) 836-6400 DEPOSIT ACCOUNT USE
AUTHORIZATION
Please grant any extension
necessary for entry;
Charge any fee due to our

Deposit Account No. 15-0461